

Remarks

The Examiner has rejected claims 1-3, 5 and 8-11 as being anticipated by US Patent 6,834,550 to Upadhyaya et al. (hereinafter Upadhyaya). Because it is believed that the Applicants can establish an earlier date of invention than the priority date of the Upadhyaya reference, the applicants hereby reserve the right to file an Affidavit under 37 CFR 1.131 to swear behind the Upadhyaya reference. However, it is submitted that such is not necessary because the Upadhyaya reference does not anticipate the claims of the present application. More particularly, Upadhyaya does not disclose at least one soil engaging tillage implement having at least two load cells and at least one set of strain gauges wherein the load cells are used to determine a linear trend of topsoil resistance pressure change with depth as the soil engaging tillage implement is drawn through the soil and wherein the at least one set of strain gauges is used to measure torque on the soil engaging tillage implement caused by the load transmitted through the at least two load cells as well as the load applied to the point of the soil engaging tillage implement. The Examiner asserts that the Upadhyaya reference discloses an instrumented tine utilizing load cells to determine a linear trend of topsoil resistance and that measure torque on the implement. However, claims 1 and 11 require the use of not only load cells to determine topsoil resistance but also strain gauges to measure torque on the soil engaging implement caused by the load transmitted through the load cells. The Upadhyaya reference simply does not disclose the use of strain gauges for measuring torque as required by independent claims 1 and 11. It is therefore submitted that independent claims 1 and 11 are in condition for allowance. Because the remaining claims all depend either directly or indirectly from claim 1 it is submitted that they are also in condition for allowance.

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In conclusion, it is believed that this application is in condition for allowance,  
and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be  
charged against Deposit Account 04-0525. Two duplicates of this page are  
enclosed.

Respectfully,



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